



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 16th December, 2011:—

BILL No. 124 OF 2011

A Bill to amend and consolidate the laws relating to press and registration of books and publications.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Press and Registration of Books and Publications Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India:

Provided that any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law in force in that State.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Appellate Board” means the Press and Registration Appellate Board constituted under sub-section (1) of section 20;

(b) “book” includes every volume, part or division of a volume and pamphlet in any language and every sheet of music, map, chart or plan separately printed, other than newspaper, magazine, journal and newsletter, and has no definite periodicity;

(c) “editor” means a person, whether called editor, chief-editor, sub editor or by whatever name called, who is a citizen of India and ordinarily resides in India, who controls the selection of the matter that is brought out in a publication;

(d) “electronic form” in reference to information means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device;

(e) “facsimile edition” of a publication means an exact replica in full or in part of the original edition of a foreign publication; subject to the condition that any page is not published in part;

(f) “financial year” means the year beginning on the 1st April and ending on the 31st March next following;

(g) “foreign publication” means any publication published in a country outside India;

(h) “journal” means a periodical publication other than a newspaper, magazine or newsletter containing comments or write-ups on specific subjects;

(i) “known foreign publication” means such foreign publication as may be prescribed;

(j) “magazine” means a periodical publication containing comments or write-ups on general subjects including public news or comments on public news;

(k) “newsletter” means a periodical publication brought out by a group or organisation or institution to present information to its members or stakeholders, on subjects of common interests;

(l) “newspaper” means a publication of loose folded sheets usually printed on newsprint brought out daily or often or at least once in a week, containing public news or comments on public news;

(m) “owner” means a person who owns the publication;

(n) “prescribed” means prescribed by rules made under this Act;

(o) “Press Registrar General” means the Press Registrar General of India, appointed by the Central Government under section 28;

(p) “printer” means a person nominated by the owner to be responsible for printing;

(q) “printing” means reproduction through any technology involving mass production of copies excluding photocopying;

(r) “publication” means newspapers, magazines, journals or newsletters printed periodically and published in India including its reproduction in electronic form, or any syndication, facsimile edition, and Indian edition of periodical published outside India;

(s) “publisher” means a person who prepares and causes the publication to be brought out;

(t) “Register” means the register of publications maintained under section 29;

(u) "specified authority" means a District Magistrate or Deputy Commissioner or Commissioner of Police, as the case may be, or any other executive magistrate or an officer authorised in writing by the District Magistrate or Deputy Commissioner or Commissioner of Police, as the case may be;

(v) "syndication" means sourcing content from other publications which has been or is being published and the credit is given for the source in the byline of publications;

(w) "title" in relation to a publication means a word or combination of words and does not include abbreviations.

CHAPTER II

PRINTING PRESSES AND PUBLICATIONS

3. (1) Every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and of the publication.

Particulars to be printed on books and publications.

(2) In case an edition of a publication is being printed from more than one location, the name of the printer and each printing press with their complete address shall be disclosed in the imprint line of each print.

4. (1) Every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in such form as may be prescribed, before the specified authority within whose local jurisdiction such press is kept.

Owner of printing press to make declaration.

(2) As often as the place where a press is kept is changed, a fresh declaration shall be necessary:

Provided that where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the specified authority referred to in sub-section (1), no fresh declaration shall be necessary if —

(a) a statement relating to the change is furnished to the said specified authority within three days thereof; and

(b) the owner of the press continues to be the same.

5. A person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication:

Who may bring out a publication.

Provided that no person who has been convicted by any court for an offence —

(i) involving terrorist act or unlawful activity; or

(ii) for having done anything against the security of the State,

shall bring out a publication.

Explanation.—For the purpose of this section, the expression "terrorist act" or "unlawful activity" shall have the meanings respectively assigned to them in clauses (k) and (o) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967.

37 of 1967.

6. (1) The owner of any proposed publication may make an application proposing one or more titles, not exceeding five, in order of preference to the specified authority for verification of one of titles of the publication:

Verification and registration of title.

Provided that if the owner of the proposed publication is an entity incorporated and registered in India, the authorised signatory shall make an application on behalf of that entity under this section.

(2) The application referred to in sub-section (1) shall be in such form and accompanied by such fees as may be prescribed.

(3) The specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application:

Provided that no such application shall be rejected unless the person concerned had been given an opportunity of being heard.

(4) On receipt of the recommendation from the specified authority under sub-section (3), the Press Registrar General shall in writing and in such manner as may be prescribed, approve one of the title or reject all the proposed titles if such titles are—

(a) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or

(b) obscene; or

(c) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form;

(d) same or similar to that of a known foreign publication.

(5) The decision of the Press Registrar General as to title under sub-section (4) shall be final.

(6) Without prejudice to the other provisions of this Act, every title of a publication approved under this section shall, if the authenticated declaration made under section 10 is not filed with the Press Registrar General within a period of six months from the date of such approval, be deemed to have been cancelled and become available to new applicants:

Provided that the Press Registrar General may, if he is satisfied that the delay in filing the authenticated declaration by the applicant was beyond the control of the applicant, extend the time for such period, not exceeding four months, after recording the reasons in writing.

(7) Any owner of a publication may, after registration, transfer the title of such publication to any person, in such manner as may be prescribed.

(8) A title verified under this section, if not registered under section 30 within one year of its verification, shall stand cancelled:

Provided that the Press Registrar General may, in exceptional cases, grant further period of four months to those publications where the delay is due to reasons beyond the control of the title holder.

Printer and
publisher of a
publication to
make
declaration.

7. (1) The printer and the publisher of every publication shall appear in person or by agent authorised in this behalf, before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate, in such form as may be prescribed.

(2) Every declaration made under sub-section (1) shall specify the title of the publication, the language in which it is to be published and the periodicity of its publication.

(3) Where the printer or publisher of a publication making a declaration under sub-section (1) is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.

(4) A declaration made in respect of a publication under sub-section (1) and authenticated under section 10 shall be necessary before the publication can be published.

(5) Where the periodicity of a publication is changed, the declaration shall cease to have effect and a fresh declaration shall be necessary before the publication can be continued.

(6) As often as the ownership of a publication is changed, a fresh declaration shall be necessary.

(7) As often as the place of printing or publication is changed, a fresh declaration shall be necessary:

Provided that where the change is for a period not exceeding thirty days and the place of printing or publication after the change is within the local jurisdiction of the specified authority referred to in sub-section (1), no fresh declaration shall be necessary if —

(a) a statement relating to the change is furnished to the said specified authority within three days thereof; and

(b) the printer or publisher or the printer and publisher of the publication continue to be the same.

(8) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave India for a period exceeding ninety days or where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding ninety days in circumstances not involving the vacation of his appointment, a fresh declaration shall be necessary.

(9) Every declaration made in respect of a publication shall be void, where the publication does not commence—

(a) within six weeks of the authentication of the declaration under section 10 in the case of a publication to be published once a week or oftener; and

(b) within three months of the authentication of the declaration under section 10, in the case of any other publication,

and in every such case, a fresh declaration shall be necessary before the publication can be brought out.

(10) Every existing declaration in respect of a publication shall be cancelled by the specified authority before whom a fresh declaration is made and subscribed in respect of the same.

(11) The declaration shall cease to have effect if the publication has not been brought out as per the declared periodicity, for a period exceeding one year, and in all such cases the registration number and the title shall be deemed to have been cancelled.

8. No person, who does not ordinarily reside in India, or who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 or of any law for the time being in force to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration under section 7, or edit a publication.

Prohibition as to making declaration under section 7, or editing of a publication, in certain cases.

9. (1) Without prejudice to the other provisions of this Act, no publication shall be printed and published in India except with the prior approval of the Central Government granted in this behalf, if —

Limits of foreign news content, foreign investment, etc.

(a) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(b) its title is same or similar to a known foreign publication; or

(c) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or

(d) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(e) it is a facsimile edition of a known foreign publication.

(2) Any person who intends to print or bring out a publication referred to in sub-section (1) may make an application to the Central Government for its prior approval in such form and accompanied by such fee as may be prescribed.

(3) The Central Government may, subject to such terms and conditions as it may deem fit, grant approval for printing or publishing the publication referred to in sub-section (1) or refuse to grant such approval after recording the reasons thereof:

Provided that no such refusal shall be made unless that person concerned has been given an opportunity of being heard.

Authentication
of declaration.

10. (1) The specified authority, before whom declaration has been made under this Act shall within a period of two months, authenticate each of the two originals of the declaration, with his signature and official seal with date or through his electronic signature with date:

Provided that the specified authority shall not authenticate the declaration made under section 7 unless it is accompanied by a title approved under sub-section (4) of section 6:

Provided further that any declaration so made and authenticated under the provisions of the Press and Registration of Books Act, 1867 before the commencement of this Act shall be deemed to have been made and authenticated under the corresponding provisions of this Act.

25 of 1867.

(2) A copy of the declaration authenticated by the specified authority, or a copy of the order refusing to authenticate the declaration, shall be forwarded as soon as possible to the person making and subscribing the declaration and also to the Press Registrar General.

Deposit of
declaration.

11. One of the originals of the declaration referred to in section 10 shall be deposited among the records of the office of the specified authority.

Inspection and
supply of
copies of
declaration.

12. The officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two hundred rupees.

Office copy of
declaration to
be *prima facie*
evidence.

13. In any legal proceeding, whether civil or criminal, the production of a copy of declaration so authenticated under section 10 or section 15, attested by the seal of the specified authority or in case of the editor, a copy of the publication containing his name printed on it as that of the editor or in case of more than one editor, the editor finally responsible for the selection of the matter shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, or printed on such publication, as the case may be, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every publication whereof the title shall correspond with the title of the publication mentioned in the declaration, or the editor of every portion of that issue of the publication, of which a copy is produced.

New declaration
by persons who
have signed a
declaration and
subsequently
ceased to be
printer or
publisher or
owner.

14. (1) If any person has subscribed to any declaration in respect of a publication under section 7 and the declaration has been authenticated by a specified authority under section 10 and subsequently that person ceases to be the printer or publisher or owner of publication mentioned in such declaration, he shall appear in person or through his authorised representative before the specified authority and make and subscribe a declaration in duplicate, in such form as may be prescribed.

(2) The owner shall also file declaration for change of printer or publisher by appearing before the specified authority concerned and make and subscribe a declaration in duplicate, in such form as may be prescribed.

Authentication
and filing of
declaration
made under
section 14.

15. (1) Each original of the declaration made under section 14 shall be authenticated by the signature with date and seal of the specified authority before whom the said declaration shall have been made, and one original of the said declaration shall be filed along with original of the declaration authenticated under section 10.

(2) A copy of the declaration attested by the official seal of the specified authority under sub-section (1) shall be forwarded to the Press Registrar General.

16. The officer-in-charge of each original of the declaration made under section 14 shall allow any person applying to inspect that original, on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the specified authority having custody of the original, on payment of a fee of two hundred rupees.

Inspection and supply of copies of declaration made under section 14.

17. In all trials in which a copy attested, of the former declaration have been put in evidence, it shall be lawful to put in evidence a copy, attested, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the publication therein mentioned.

Putting up copy of declaration in evidence.

18. (1) If any person, whose name has appeared as editor on a copy of a publication, claims that he was not the editor of the issue on which his name has so appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before a specified authority and make a declaration in such form as may be prescribed, that his name was incorrectly published in that issue as that of the editor thereof, and if the said specified authority, after making such inquiry or causing such inquiry to be made as he may consider necessary, is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given, the provisions of section 13 shall not apply to that person in respect of that issue of the publication.

Person whose name has been incorrectly published as editor may make a declaration before a specified authority.

(2) The specified authority may extend the period under sub-section (1) in case he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

19. (1) If, on an application made to him by the Press Registrar General or any other person or otherwise, the specified authority empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a publication should be cancelled, he may, after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an inquiry into the matter and if, after considering the cause, if any, shown by such person and after giving him an opportunity of being heard, he is satisfied that —

Cancellation of declaration.

(a) the publication, in respect of which the declaration has been made is being published in contravention of the provision of this Act or rules made thereunder; or

(b) the publication mentioned in the declaration bears a title which is the same as, or similar to, that of any other publication; or

(c) the owner has ceased to be the owner of the publication mentioned in such declaration; or

(d) the declaration was made on false representation or on the concealment of any material fact or in respect of a periodical work which is not a publication,

the specified authority may, by order, cancel the declaration and shall forward a copy of the order to the person making or subscribing the declaration and also to the Press Registrar General.

(2) On the cancellation of declaration under sub-section (1), the title and the registration certificate issued by the Press Registrar General shall also be deemed to be cancelled with effect from the date of such cancellation of declaration.

20. (1) Any person aggrieved by an order of a specified authority refusing to authenticate a declaration under section 10 or cancelling a declaration under section 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government,

Appeal.

by notification in the Official Gazette, consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its members:

37 of 1978.

Provided that the Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) On receipt of an appeal under this section, the Appellate Board may, after calling for the records from the specified authority and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against.

(3) Subject to the provisions contained in sub-section (2), the Appellate Board may, by order, regulate its practice and procedure.

(4) The decision of the Appellate Board shall be final.

CHAPTER III

DELIVERY OF BOOKS AND PUBLICATIONS

Copies of books printed to be delivered *gratis* to Government.

21. (1) Printed copies of the whole of every book which shall be printed in India together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall, notwithstanding any agreement between the printer and publisher thereof, if the book is published, be delivered by the printer at such place and to such officer as the State Government shall, by notification in the Official Gazette, from time to time, direct, and free of expense to the Government—

(a) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy; and

(b) if within one calendar year from such day the State Government shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition made by the State Government on the printer, another such copy, or two other such copies, as the State Government may direct,

the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book printed and the publisher or other person employing the printer shall, before the expiration of the said month, supply the printer with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

(2) Nothing in sub-section (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act.

Receipt for copies delivered under section 21.
Disposal of copies delivered under section 21.

22. The officer to whom a copy of book is delivered under section 21 shall give to the printer a receipt in writing therefor.

23. (1) The copy delivered under clause (a) of sub-section (1) of section 21 shall be disposed of as the State Government shall from time to time determine.

(2) Any copy delivered under clause (b) of the said sub-section shall be transmitted to the Central Government.

Copies of publication printed in India to be delivered *gratis* to Government.

24. The publisher of every publication in India shall deliver at such place and to such officer as the State Government may, by notification in the Official Gazette, direct, and free of expense to the Government, two copies of each issue of such publication as soon as it is published.

Copies of publication delivered to Press Registrar General.

25. (1) The publisher of every publication in India shall deliver free of expense one copy of each issue of such publication as and when demanded by the Press Registrar General.

(2) Every publisher shall preserve one copy of every issue of the publication, either in hard copy or in electronic form and shall provide the same as and when demanded by the Press Registrar General.

CHAPTER IV

REGISTRATION OF BOOKS

26. (1) There shall be kept at such office, and by such officer as the State Government shall appoint in this behalf, a book to be called a Catalogue of Books printed in India, wherein shall be registered a memorandum of every book which shall have been delivered under clause (a) of sub-section (1) of section 21, containing the following particulars, namely :—

Registration of memorandum of books.

- (a) the title of the book and the contents of the title-page, with translation into English of such title and contents, when the same are not in the English language;
- (b) the language in which the book is written;
- (c) the name of the author, translator or editor of the book or any part thereof;
- (d) the subject;
- (e) the place of printing and the place of publication;
- (f) the name or firm of the printer and the name or firm of the publisher;
- (g) the date of issue from the press or of the publication;
- (h) the number of sheets, leaves or pages;
- (i) the size;
- (j) the first, second or other number of the edition;
- (k) the number of copies which the edition consists;
- (l) whether the book is printed, cyclostyled or lithographed;
- (m) the price at which the book is sold to the public; and
- (n) the name and residence of the proprietor of the copyright or of any portion of such copyright.

(2) The memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copy thereof pursuant to clause (a) of sub-section (1) of section 21.

27. The memorandum registered during each quarter in the catalogue referred to in section 26 shall be published in the Official Gazette, as soon as may be after the end of such quarter, and a copy of the memorandum so published shall be sent to the Central Government.

Publication of memorandum registered.

CHAPTER V

REGISTRATION OF PUBLICATIONS

28. The Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under this Act, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under this Act.

Appointment of Press Registrar General and other officers.

29. (1) The Press Registrar General shall maintain in such manner as may be prescribed, a Register of publications.

Register of publications.

(2) The Register shall contain the following particulars about every publication brought out in India, namely:—

- (a) the title of the publication;

(b) whether under foreign direct investment, facsimile edition, Indian edition of foreign publication, if so, the details like name of the organisation or country, etc.;

(c) the language in which the publication is published;

(d) periodicity of the publication;

(e) the name of the editor, printer and publisher of the publication;

(f) the places of printing and publishing;

(g) the average number of pages per week;

(h) the number of days of publication in the year;

(i) retail selling price per copy;

(j) the names and addresses of the owners of the publication and such other particulars relating to ownership as may be prescribed; and

(k) any other particulars as may be prescribed.

(3) On receiving information from time to time about the aforesaid particulars, the Press Registrar General shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections therein as may be required for keeping the Register up-to-date.

Certificate of registration.

30. On receiving from the specified authority under sub-section (2) of section 10 or sub-section (2) of section 15 a copy of the declaration in respect of a publication, and on bringing out of such publication, the Press Registrar General shall, as soon as practicable thereafter, issue a certificate of registration in respect of that publication to the publisher thereof.

Annual statement, etc., to be furnished by publisher.

31. (1) It shall be the duty of the publisher, and owner in the absence of the publisher, of every publication—

(a) to furnish to the Press Registrar General an annual statement in respect of the publication, at such time and containing such other particulars referred to in sub-section (2) of section 29, as may be prescribed;

(b) to publish in the publication at such times and such of the particulars relating to the publication referred to in sub-section (2) of section 29 as may be specified in this behalf by the Press Registrar General.

(2) If a publisher or owner required to submit annual statement under this Act fails to submit the annual statement for a consecutive period of three years, the title, declaration and the registration of the publication concerned shall stand cancelled.

(3) The Press Registrar General shall cause publication of the cancellation of any publication in at least one daily newspaper circulating in the locality in which the publication concerned is brought out.

Returns and reports to be furnished by publisher.

32. The publisher of every publication shall furnish to the Press Registrar General such returns, statistics and other information with respect to any of the particulars referred to in sub-section (2) of section 29 as the Press Registrar General may from time to time require.

Right to access to records and documents.

33. The Press Registrar General or any Gazetted Officer authorised by him in writing in this behalf shall, for the purpose of the collection of any information relating to a publication under this Act, have access to any relevant record or document relating to the publication in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

34. (1) The Press Registrar General on his own or on any request made to him, may conduct, through an officer or auditor authorised in this behalf, a verification in such manner as may be prescribed, as regard to circulation of the publication mentioned in the annual statement.

Circulation
verification.

(2) The verification under sub-section (1) shall be made in respect of a publication brought out in a financial year and not a part thereof.

(3) In cases where the circulation verification is conducted on the request made by the owner, publisher or any other person, the verification shall be made on payment of such fee as may be prescribed.

35. The Press Registrar General shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the publications in India and giving an account of the working of such publications, and copies thereof shall be forwarded to the Central Government.

Annual
report.

36. On the application of any person for the supply of copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar General shall furnish such copy to the applicant in such form and manner as may be prescribed.

Furnishing of
copies of
extract from
Register.

37. The publisher, printer or owner shall, on a demand made in writing, specifying the reasons for such demand by the Press Registrar General, produce before the Press Registrar General any document referred to in any report or return submitted by such publisher, printer or owner, within a period of thirty days from the date of receipt of the demand so made.

Production of
documents
before Press
Registrar
General.

CHAPTER VI

PENALTIES

38. Whoever prints or publishes any book or publication otherwise than in conformity with section 3 shall be liable to a fine not exceeding five thousand rupees in addition to suspension of the publication for a period of thirty days.

Penalty for
printing
contrary to
section 3.

39. Whoever owns any press in contravention of the provisions of section 4 shall be liable to a fine not exceeding five thousand rupees in addition to sealing of the printing press for a period of thirty days.

Penalty for
owning press
without making
declaration
required by
section 4.

40. If any person who has ceased to be a printer or publisher or owner of any publication fails or neglects to make a declaration under section 14, he shall be liable to a fine not exceeding five thousand rupees.

Penalty for
failure to make
a declaration
under section 14.

41. (1) If any printer of any such book as is referred to in section 21 neglects to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable fine for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

Penalty for
not delivering
books or not
supplying
printer with
maps.

(2) If any publisher or other person employing any such printer neglects to supply him, in the matter provided in sub-section (2) of section 21 with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as such a Magistrate may, on such an application, determine to be in the circumstances a reasonable fine for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

Penalty for failure to supply copies of publications *gratis* to Government.
Punishment for making false statement.

42. If any publisher of any publication brought out in India neglects to deliver copies of the same in compliance with section 24, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be liable to a fine which may extend to five thousand rupees for every default.

43. Any person who, in making any declaration or other statement under the authority of this Act, makes a statement which is false, and which he either knows or believe to be false or does not believe to be true, shall be punishable with imprisonment for a term not exceeding six months and with fine which may extend to ten thousand rupees.

Penalty for printing or bringing out publication without conforming to the provisions of this Act.

44 (1) Whoever edits, prints or brings out any publication without conforming to the provisions of this Act and rules made thereunder, or whoever edits, prints or publishes, or causes to be edited, printed or published any publication, knowing that the provisions of this Act or the rules made thereunder have not been complied with, shall be punishable with imprisonment for a term not exceeding six months or with fine which may extend to ten thousand rupees, or with both.

(2) Where an offence is committed in relation to publication under sub-section (1), the court may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the publication.

Penalty for failure to supply copies of publications to Press Registrar General.

45. If any publisher of a publication brought out in India neglects to deliver the copies of the publication as required under section 25, he shall be liable to a fine which may extend to five thousand rupees.

Penalty for failure to produce documents before Press Registrar General.

46. If the publisher, printer or owner neglects to produce any document before the Press Registrar General in compliance with the provisions of section 37, he shall be liable to a fine which may extend to five thousand rupees.

Penalty for contravention of section 31 or section 32.

47. If the publisher of any publication refuses or neglects to comply with the provisions of section 31 or section 32, he shall be liable to a fine which may extend to five thousand rupees in addition to a further penalty of a sum of ten rupees for each day default.

Recovery of forfeitures and disposal thereof and of fines.

48. Any sum forfeited to the Government under this Act and rules made thereunder may be recovered, under the warrant of a Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure, 1973 for the time being in force, and within the period prescribed by the Indian Penal Code for the levy of a fine.

2 of 1974.
45 of 1860.

Cognizance of offence.

49. (1) No court shall take cognizance of any offence under this Act, except upon a complaint in writing made by the Press Registrar General or the specified authority or by any officer authorised by the Press Registrar General or the specified authority, as the case may be, for this purpose.

(2) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

CHAPTER VII

MISCELLANEOUS

Delegation of powers.

50. Subject to the provisions of this Act and rules made there under, the Press Registrar General may delegate all or any of his powers under this Act to any officer subordinate to him.

Press Registrar General and other officers to be public servants.

51. The Press Registrar General and all officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

52. No suit or other legal proceedings shall lie against the Central Government or a State Government or the Press Registrar General or any officer or employee authorised by the Press Registrar General, for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Protection of
action taken
in good faith.

53. (1) The Central Government may, by notification in the Official Gazette, make rules under the provisions of this Act as may be necessary or desirable for carrying out the objects of this Act.

Power of
Central
Government
to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which a declaration shall be made by the owner of a publication under sub-section (1) of section 4;

(b) the form, fees and manner of making an application under sub-section (2) of section 6;

(c) the manner in which the Press Registrar General may approve or reject the title under sub-section (4) of section 6;

(d) the manner in which owner of a publication may transfer the title under sub-section (7) of section 6;

(e) the form in which a declaration shall be made by the printer and publisher under sub-section (1) of section 7;

(f) limit in a publication, of foreign news content under clause (c), and of foreign investment under clause (d) of sub-section (1) of section 9;

(g) the form and fee for an application under sub-section (2) of section 9;

(h) the form in which fresh declaration shall be made under section 14;

(i) the form in which a declaration may be made by a person whose name has been incorrectly published as editor under sub-section (1) of section 18;

(j) the manner in which a Register shall be maintained under sub-section (1) of section 29;

(k) other particulars relating to ownership under clause (j), and any other particulars under clause (k) of sub-section (2) of section 29;

(l) the time within which and the particulars in respect of which, an annual statement shall be furnished by the publisher or the owner of a publication, to the Press Registrar General under clause (a) of sub-section (1) of section 31;

(m) the manner in which verification may be conducted by an officer or auditor under sub-section (1) of section 34;

(n) the fee for verification conducted on the request made by the owner, publisher or any other person under sub-section (3) of section 34;

(o) the form in which, and the time within which, annual report may be prepared by the Press Registrar General under section 35;

(p) fee for furnishing copies of extracts from the Register and the form and manner in which such copies may be furnished under section 36;

(q) any matter relating to books referred to in Chapters III and IV;

(r) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Government to make rules.

54. (1) The State Government may, by notification in the Official Gazette, make rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of this Act.

(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.

Power to exclude any class of books and publications from operation of Act.

55. The State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, exclude any class of books or publications from the operation of the whole or any part or parts of this Act.

Power to remove difficulties.

56. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, in consultation with the Press Registrar General, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and saving.

57. (1) The Press and Registration of Books Act, 1867 is hereby repealed.

25 of 1867.

(2) Notwithstanding such repeal, —

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under this Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;

(b) any declaration, including title thereof, so made and authenticated under the provisions of this Act hereby repealed, shall be deemed to have been made and authenticated under the corresponding provisions of this Act;

(c) any proceeding pending in any court at the commencement of this Act may be continued in that court as if this Act has not been passed;

(d) the Press Registrar and other officers appointed under section 19A of the Act hereby repealed and holding office as such immediately before the commencement of this Act, shall, on the commencement of this Act, continue to hold their respective offices under the corresponding provisions of this Act, unless and until they are removed or superannuated;

(e) the Press and Registration Appellate Board established under this Act hereby repealed shall, continue to function under the corresponding provisions of this Act, unless and until the Appellate Board is constituted under this Act;

(f) any appeal preferred to the Press and Registration Appellate Board under section 8C of the Act hereby repealed but not disposed of before the commencement of this Act may be disposed of by the Appellate Board constituted under this Act;

(g) any penalty payable under this Act hereby repealed may be recovered in the manner provided by or under this Act, but without prejudice to any action already taken for the recovery of such penalty under this Act so repealed;

(h) any certificate of registration issued or granted under this Act hereby repealed shall continue to have effect after the commencement of this Act under the same conditions as if this Act had not been passed.

10 of 1897. (3) The mention of the particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

STATEMENT OF OBJECTS AND REASONS

The Press and Registration of Books Act, 1867 was enacted for the regulation of Printing presses and Newspapers for the preservation of copies of books and newspapers printed in India, and for the registration of such books and newspapers. Though the aforesaid Act has been amended several times between 1870 and 1983, the existing provisions of the Act are not adequate to cater to the phenomenal growth of the print media sector in view of the liberalised policy of the Government.

2. The Print Media Policy of 1955, *inter alia*, provides that—(i) no foreign owned newspapers and periodicals should be published in India; (ii) the foreign newspapers and periodicals dealing mainly with news and current affairs should not be allowed to bring out Indian editions. The aforesaid Policy of 1955 was reviewed, from time to time, and as on date it, *inter alia*, allows—

(a) the foreign direct investment up to a ceiling of twenty-six per cent. of paid-up equity capital in Indian entities publishing newspapers and periodicals dealing with news and current affairs and hundred per cent., in the scientific, technical and specialty category subject to certain conditions;

(b) the publication of facsimile editions, in whole or in part, of foreign newspapers by Indian entities, with or without foreign investment, and also by foreign companies owning the original newspaper;

(c) the publication of Indian editions of foreign scientific, technical, speciality and news and current affairs magazines, periodicals and journals.

3. In view of the liberalised policy of the Government, the Print Media has not only attracted the foreign direct investment but also led to a phenomenal increase in the availability of the foreign scientific and technical magazines in India. The Print Media Policy of 1955, which so far prohibited bringing out of foreign publications in India, has since been reviewed from time to time and the issues of foreign direct investment, facsimile editions, Indian edition of foreign newspapers, syndication, etc., are now being regulated through executive orders which needs to be supported with the statutory provisions to elicit optimum results and hassle free entry of foreign publications. Thus, in order to give statutory backing to the Print Media Policy and various guidelines, it is proposed to enact a new legislation to amend and consolidate the laws relating to press and registration of books and publications.

4. The proposed Press and Registration of Books and Publications Bill, 2011, *inter alia*, makes the following, namely:—

(a) every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and the publication;

(b) every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in such form as may be prescribed before the specified authority within whose local jurisdiction such press is kept;

(c) a person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication, but a person who has been convicted by any court for an offence involving terrorist act or unlawful activity or for having done anything against the security of the State shall not bring out a publication;

(d) the owner of any proposed publication may make an application proposing one or more titles, not exceeding five, in order of preference to the specified authority for verification of one of titles of the publication and the specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application;

(e) the Press Registrar General, on receipt of the recommendation from the specified authority shall, in writing and in such manner as may be prescribed, approve one of the title and it may reject all the proposed titles if such titles are— (i) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or (ii) obscene; or (iii) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form; or (iv) same or similar to that of a known foreign publication;

(f) the printer and the publisher of every publication shall appear in person or by agent authorised in this behalf before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate in the prescribed form;

(g) no person, who does not ordinarily reside in India, or who has not attained the majority in accordance with the provisions of the Indian Majority Act, 1875 or of any law for the time being in force to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration or edit a publication;

(h) no publication shall be printed and published in India except with the prior approval of the Central Government, if—

(i) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(ii) its title is same or similar to a known foreign publication; or

(iii) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or

(iv) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or

(v) it is a facsimile edition of a known foreign publication;

(i) any person aggrieved by an order of a specified authority refusing to authenticate a declaration or cancelling a declaration may prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, consisting of a Chairperson and a member, to be nominated by the Press Council of India from among its members;

(j) the publisher of every publication shall furnish to the Press Registrar General the returns, statistics and other information with respect to any specified particulars;

(k) it also provides for offences, punishment and penalties for contravention of the provisions of the proposed legislation.

5. The notes on clauses explain in detail various provisions of the Bill.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 2nd December, 2011.

AMBIKA SONI.

Notes on clauses

Clause 1.— This clause provides for short title, extent and commencement.

Clause 2.— This clause provides for definitions. It defines the certain expression used in the proposed legislation which, *inter alia*, includes: the expressions “book”, “editor”, “electronic form”, “facsimile edition”, “foreign publication”, “journal”, “known foreign publication”, “magazine”, “newsletter”, “owner”, “Press Registrar General”, “printer”, “printing”, “publication”, “publisher”, “syndication” and “title”, etc.

Clause 3.— This clause provides for particulars to be printed on books and publications. It provides that every book or publication printed within India shall have legibly printed on it the date of its publication, name of the owner, printer, publisher, editor and complete address of place of printing and of the publication.

It further provides that in case an edition of a publication is being printed from more than one location, the name of the printer and each printing press with their complete address shall be disclosed in the imprint line of each print.

Clause 4.— This clause provides that owner of printing press to make declaration. It provides that every person who owns and operates any press for the printing of books or publications shall make and subscribe a declaration in prescribed form before the specified authority within whose local jurisdiction such press is kept.

It further provides that whenever the place where a press is kept is changed, a fresh declaration shall be necessary but where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the aforesaid specified authority, fresh declaration shall not be necessary if a statement relating to the change is furnished to the said specified authority within three days thereof; and the owner of the press continues to be the same.

Clause 5.— This clause provides that who may bring out a publication. It provides that a person, being an entity incorporated and registered in India under any law for the time being in force, or a citizen of India, may bring out a publication.

It further provides that any person, who has been convicted by any court for an offence involving terrorist act or unlawful activity; or for having done anything against the security of the State, shall not bring out a publication.

It also provides an explanation for the purpose of this clause that the expression “terrorist act” or “unlawful activity” shall have the meanings respectively assigned to them in clauses (k) and (o) of sub-section (1) of section 2 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967).

Clause 6.— This clause provides for verification and registration of title. It provides that the owner of any proposed publication may make an application in prescribed form proposing one or more titles, not exceeding five, in order of preference to the specified authority for verification of one of titles of the publication and if the owner of the proposed publication is an entity incorporated and registered in India, the authorised signatory shall make an application on behalf of that entity.

It further provides that the specified authority may after verification of antecedents of the applicant and after satisfying himself about the eligibility of such applicant, within a period of three months, recommend or reject the application and if application is rejected the person concerned shall be given an opportunity of hearing.

It also provides that on receipt of the recommendation from the specified authority, the Press Registrar General shall approve one of the title or reject all the proposed titles if such

titles are – (a) the same or similar to that of any existing publication, except in the case of publications owned by the same person; or (b) obscene; or (c) similar to name of symbols of terrorists or terrorist organisations either in full or in abbreviated form; or (d) same or similar to that of a known foreign publication. The decision of the Press Registrar General as to title shall be final.

It also provides that every title of a publication approved under this clause shall be deemed to have been cancelled and become available to new applicants if the authenticated declaration made under clause 10 is not filed with the Press Registrar General within a period of six months from the date of such approval. The Press Registrar General may, if he is satisfied that the delay in filing the authenticated declaration by the applicant was beyond the control of the applicant, extend the time for such period, not exceeding four months, after recording the reasons in writing.

It also provides that any owner of a publication may, after registration, transfer the title of such publication to any person, in the prescribed manner.

It also provides that a title verified under this clause, if not registered under clause 30 within one year of its verification, shall stand cancelled. The Press Registrar General may, in exceptional cases, grant further period of four months to those publications where the delay is due to reasons beyond the control of the title holder.

Clause 7.— This clause provides that printer and publisher of a publication to make declaration. It provides that the printer and the publisher of every publication shall appear in person or by agent authorised in this behalf, before a specified authority within whose local jurisdiction such publication shall be printed or published, and make and subscribe a declaration in duplicate, in prescribed form.

It further provides that every declaration shall specify the title of the publication, the language in which it is to be published and the periodicity of its publication.

It also provides that where the printer or publisher of a publication making a declaration is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.

It also provides that a declaration made in respect of a publication under this clause and authenticated under clause 10 shall be necessary before the publication can be published and where the periodicity of a publication is changed, the declaration shall cease to have effect and a fresh declaration shall be necessary before the publication can be continued and whenever the ownership of a publication is changed or the place of printing or publication is changed, a fresh declaration shall be necessary.

It also provides whenever the printer or the publisher who made such declaration leaves India for a period exceeding ninety days or where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding ninety days in circumstances not involving the vacation of his appointment, a fresh declaration shall be necessary.

It also provides that every declaration made in respect of a publication shall be void, where the publication does not commence, in the case of a publication to be published once a week or often, within six weeks of the authentication of the declaration under clause 10; and in the case of any other publication, within three months of the authentication of the declaration under clause 10, and in every such case, a fresh declaration shall be necessary before the publication can be brought out.

It also provides that every existing declaration in respect of a publication shall be cancelled by the specified authority before whom a fresh declaration is made and subscribed in respect of the same and the declaration shall cease to have effect if the publication has not been brought out as per the declared periodicity, for a period exceeding one year, and in all such cases the registration number and the title shall be deemed to have been cancelled.

Clause 8.— This clause provides for prohibition as to making declaration under clause 7, or editing of a publication, in certain cases. It provides that no person shall be permitted to make a declaration under clause 7, or edit a publication if he does not ordinarily reside in India, or has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 (9 of 1875) or of any law for the time being in force to which he is subject in respect of the attainment of majority.

Clause 9.— This clause provides for limits of foreign news content, foreign investment, etc. It provides that without prejudice to the other provisions of proposed legislation, no publication shall be printed and published in India except with the prior approval of the Central Government granted in this behalf, if—(a) such publication is owned by any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or (b) its title is same or similar to a known foreign publication; or (c) its foreign news content in an issue of an Indian publication exceeds the limit prescribed for such publication; or (d) such publication has investment from any individual who is not an Indian citizen or unincorporated body of individuals or body corporate incorporated under the law of any country other than India; or (e) it is a facsimile edition of a known foreign publication.

It further provides that any person who intends to print or bring out a publication referred to in sub-clause (1) may make an application to the Central Government for its prior approval in prescribed form and accompanied with prescribed fee.

It also provides that the Central Government may, subject to such terms and conditions as it may deem fit, grant approval for printing or publishing the publication referred to in sub-clause (1) or refuse to grant such approval after recording the reasons thereof and giving him an opportunity of hearing.

Clause 10.— This clause provides for authentication of declaration. It provides that the specified authority, before whom declaration has been made under the proposed legislation shall within a period of two months, authenticate each of the two originals of the declaration, with his signature and official seal with date or through his electronic signature with date but the specified authority shall not authenticate the declaration made under clause 7 unless it is accompanied by a title approved under clause 6.

It also provides that that any declaration so made and authenticated under the provisions of the Press and Registration of Books Act, 1867 before the commencement of the proposed legislation shall be deemed to have been made and authenticated under the corresponding provisions of the proposed legislation.

It also provides that a copy of the declaration authenticated by the specified authority, or a copy of the order refusing to authenticate the declaration, shall be forwarded as soon as possible to the person making and subscribing the declaration and also to the Press Registrar General.

Clause 11.— This clause provides for deposit of declaration. It provides that one of the originals of the declaration referred to in clause 10 shall be deposited among the records of the office of the specified authority.

Clause 12.— This clause provides for Inspection and supply of copies of declaration. It provides that the Officer-in-charge of each original shall allow any person to inspect that original on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two hundred rupees.

Clause 13.— This clause provides for office copy of declaration to be *prima facie* evidence. It provides that in any legal proceeding, whether civil or criminal, the production of a copy of declaration so authenticated under clause 10 or clause 15, attested by the seal of the specified authority or in case of the editor, a copy of the publication containing his name printed on it as that of the editor or in case of more than one editor, the editor finally

responsible for the selection of the matter shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, or printed on such publication, as the case may be, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every publication whereof the title shall correspond with the title of the publication mentioned in the declaration, or the editor of every portion of that issue of the publication, of which a copy is produced.

Clause 14.— This clause provides for new declaration by persons who have signed a declaration and subsequently ceased to be printer or publisher or owner. It provides that if any person has subscribed to any declaration in respect of a publication under clause 7 and the declaration has been authenticated by a specified authority under clause 10 and subsequently that person ceases to be the printer or publisher or owner of publication mentioned in such declaration, he shall appear in person or through his authorised representative before the specified authority and make and subscribe a declaration in duplicate, in prescribed form.

It further provides that the owner shall also file declaration for change of printer or publisher by appearing before the specified authority concerned and make and subscribe a declaration in duplicate, in prescribed form.

Clause 15.— This clause provides for authentication and filing of declaration made under clause 14. It provides that each original of the declaration made under clause 14 shall be authenticated by the signature with date and seal of the specified authority before whom the said declaration shall have been made, and one original of the said declaration shall be filed along with original of the declaration authenticated under clause 10 and a copy of the declaration attested by the official seal of the specified authority shall be forwarded to the Press Registrar General.

Clause 16.— This clause provides for inspection and supply of copies of declaration made under clause 14. It provides that the Officer-in-charge of each original of the declaration made under clause 14 shall allow any person applying to inspect that original, on payment of a fee of one hundred rupees, and shall give to any person applying a copy of the said declaration, attested by the seal of the specified authority having custody of the original, on payment of a fee of two hundred rupees.

Clause 17.— This clause provides for putting up copy of declaration in evidence. It provides that in all trials in which a copy attested, of the former declaration have been put in evidence, it shall be lawful to put in evidence a copy, attested, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the publication therein mentioned.

Clause 18.— This clause provides that person whose name has been incorrectly published as editor may make a declaration before a specified authority. It provides that if any person, whose name has appeared as editor on a copy of a publication, claims that he was not the editor of the issue on which his name has so appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before a specified authority and make a declaration in prescribed form that his name was incorrectly published in that issue as that of the editor thereof, and if the said specified authority, after making such inquiry or causing such inquiry to be made as he may consider necessary, is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given, the provisions of clause 13 shall not apply to that person in respect of that issue of the publication.

It further provides that the specified authority may extend the period under sub clause (1) in case he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

Clause 19.— This clause provides for Cancellation of declaration. It provides that the specified authority empowered to authenticate a declaration under the proposed legislation

may, after giving the concerned person an opportunity of hearing, cancel the declaration made in respect of a publication, if- (a) the publication, in respect of which the declaration has been made is being published in contravention of the provision of this Act or rules made there under; or (b) the publication mentioned in the declaration bears a title which is the same as, or similar to, that of any other publication; or (c) the owner has ceased to be the owner of the publication mentioned in such declaration; or (d) the declaration was made on false representation or on the concealment of any material fact or in respect of a periodical work which is not a publication, and forward a copy of the order to the person making or subscribing the declaration and also to the Press Registrar General.

It further provides that on the cancellation of declaration under sub-clause (1), the title and the registration certificate issued by Press Registrar General shall also be deemed to be cancelled with effect from the date of such cancellation of declaration.

Clause 20.— This clause provides for appeal. It provides that any person aggrieved by an order of a specified authority refusing to authenticate a declaration under clause 10 or cancelling a declaration under clause 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, by notification in the Official Gazette consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978(37 of 1978), from among its members. The Appellate Board may entertain an appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

It also provides that on receipt of an appeal, the Appellate Board may, after calling for the records from the specified authority and after making such further inquiries as it thinks fit, confirm, modify or set aside the order appealed against and the decision of the Appellate Board shall be final.

Clause 21.— This clause provides that copies of books printed to be delivered gratis to Government. It provides that the printed copies of the whole of every book which shall be printed in India together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall, notwithstanding any agreement between the printer and publisher thereof, if the book is published, be delivered by the printer at such place and to such officer as the State Government shall, by notification in the Official Gazette, from time to time direct, and free of expense to the Government.

It further provides that nothing in sub-clause (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under the proposed legislation.

Clause 22.— This clause provides for receipt for copies delivered under clause 21. It provides that the officer to whom a copy of book is delivered under clause 21 shall give to the printer a receipt in writing therefor.

Clause 23.— This clause provides for disposal of copies delivered under clause 21. It provides that the copy delivered under clause 21 shall be disposed of as the State Government shall from time to time determine or be transmitted to the Central Government, as the case may be.

Clause 24.— This clause provides that copies of publication printed in India to be delivered gratis to Government. It provides that the publisher of every publication in India shall deliver at such place and to such officer as the State Government may, by notification in the Official Gazette, direct, and free of expense to the Government, two copies of each issue of such publication as soon as it is published.

Clause 25.— This clause provides that copies of publication delivered to Press Registrar General. It provides that the publisher of every publication in India shall deliver free of expense one copy of each issue of such publication as and when demanded by the Press Registrar General.

It further provides that every publisher shall preserve one copy of every issue of the publication, either in hard copy or in electronic form and shall provide the same as and when demanded by the Press Registrar General.

Clause 26.— This clause provides for Registration of memorandum of books. It provides that there shall be kept at such office, and by such officer as the State Government shall appoint in this behalf, a book to be called a Catalogue of Books printed in India, wherein shall be registered a memorandum of every book which shall have been delivered under item (a) of sub-clause (1) of clause 21, containing the particulars specified in this clause.

It further provides that the memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copy thereof pursuant to item (a) of sub-clause (1) of clause 21.

Clause 27.— This clause provides for publication of memorandum registered. It provides that the memorandum registered during each quarter in the catalogue referred to in clause 26 shall be published in the Official Gazette, as soon as may be after the end of such quarter, and a copy of the memorandum so published shall be sent to the Central Government.

Clause 28.— This clause provides for appointment of Press Registrar General and other officers. It provides that the Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under the proposed legislation, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under the proposed legislation.

Clause 29.— This clause provides for register of publications. It provides that the Press Registrar General shall maintain a Register of publications in prescribed manner.

It further provides that the Register shall contain the particulars about every publication brought out in India as are specified in this clause.

It also provides that the Press Registrar General shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections therein as may be required for keeping the Register up-to-date on receiving information from time to time about the aforesaid particulars.

Clause 30.— This clause provides for certificate of registration. It provides that the Press Registrar General shall, as soon as practicable, issue a certificate of registration in respect of the publication to the publisher thereof on receiving copy of the declaration in respect of that publication, and on bringing out of such publication, from the specified authority under sub-clause (2) of clause 10 or sub-clause (2) of clause 15.

Clause 31.— This clause provides for annual statement, etc., to be furnished by publisher. It provides that it shall be the duty of the publisher, and owner in the absence of the publisher, of every publication—(a) to furnish to the Press Registrar General an annual statement in respect of the publication, at such time and containing such other particulars referred to in sub-clause (2) of clause 29, as may be prescribed; and (b) to publish in the publication at such times and such of the particulars relating to the publication referred to in sub-section (2) of section 29 as may be specified in this behalf by the Press Registrar General.

It further provides that if a publisher or owner required to submit annual statement under the proposed legislation fails to submit the annual statement for a consecutive period of three years, the title, declaration and the registration of the publication concerned shall stand cancelled.

It also provides that the Press Registrar General shall cause publication of the cancellation of any publication in at least one daily newspaper circulating in the locality in which the publication concerned is brought out.

Clause 32.— This clause provides for returns and reports to be furnished by publisher. It provides that the publisher of every publication shall furnish to the Press Registrar General such returns, statistics and other information with respect to any of the particulars referred to in sub-clause (2) of clause 29 as the Press Registrar General may from time to time require.

Clause 33.— This clause provides for right to access to records and documents. It provides that the Press Registrar General or any gazetted officer authorised by him in writing in this behalf shall, for the purpose of the collection of any information relating to a publication under the proposed legislation, have access to any relevant record or document relating to the publication in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under the proposed legislation.

Clause 34.— This clause provides for circulation verification. It provides that the Press Registrar General on his own or on any request made to him, may conduct, through an officer or auditor authorised in this behalf, a verification in the prescribed manner, as regard to circulation of the publication mentioned in the annual statement. The verification shall be made in respect of a publication brought out in a financial year and not a part thereof.

It further provides that in cases where the circulation verification is conducted on the request made by the owner, publisher or any other person, the verification shall be made on payment of prescribed fee.

Clause 35.— This clause provides for annual report. It provides that the Press Registrar General shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the publications in India and giving an account of the working of such publications, and copies thereof shall be forwarded to the Central Government.

Clause 36.— This clause provides for furnishing of copies of extract from Register. It provides that on the application of any person for the supply of copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar General shall furnish such copy to the applicant in such form and manner as may be prescribed.

Clause 37.— This clause provides for production of documents before Press Registrar General. It provides that the publisher, printer or owner shall, on a demand made in writing, specifying the reasons for such demand by the Press Registrar General, produce before the Press Registrar General any document referred to in any report or return submitted by such publisher, printer or owner, within a period of thirty days from the date of receipt of the demand so made.

Clause 38.— This clause provides for penalty for printing contrary to clause 3. It provides that whoever prints or publishes any book or publication otherwise than in conformity with clause 3 shall be liable to a fine not exceeding five thousand rupees in addition to suspension of the publication for a period of thirty days.

Clause 39.— This clause provides for penalty for owning press without making declaration required by clause 4. It provides that whoever owns any press in contravention of the provisions of clause 4 shall be liable to a fine not exceeding five thousand rupees in addition to sealing of the printing press for a period of thirty days.

Clause 40.— This clause provides for penalty for failure to make a declaration under clause 14. It provides that if any person who has ceased to be a printer or publisher or owner of any publication fails or neglects to make a declaration under clause 14, he shall be liable to a fine not exceeding five thousand rupees.

Clause 41.— This clause provides for penalty for not delivering books or not supplying printer with maps. It provides that if any printer of any such book as is referred to in clause 21 neglects to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable fine for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

It further provides that if any publisher or other person employing any such printer neglects to supply him, in the matter provided in sub-clause (2) of clause 21 with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding two thousand rupees as such a Magistrate may, on such an application, determine to be in the circumstances a reasonable fine for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

Clause 42.— This clause provides for penalty for failure to supply copies of publications gratis to Government. It provides that if any publisher of any publication brought out in India neglects to deliver copies of the same in compliance with clause 24, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be liable to a fine which may extend to five thousand rupees for every default.

Clause 43.— This clause provides for punishment for making false statement. It provides that any person who, in making any declaration or other statement under the authority of the proposed legislation, makes a statement which is false, and which he either knows or believe to be false or does not believe to be true, shall be punishable with imprisonment for a term not exceeding six months and with fine which may extend to ten thousand rupees.

Clause 44.— This clause provides for penalty for printing or bringing out publication without conforming to the provisions of the proposed legislation. It provides that whoever edits, prints or brings out any publication without conforming to the provisions of the proposed legislation and rules made thereunder, or whoever edits, prints or publishes, or causes to be edited, printed or published any publication, knowing that the provisions of the proposed legislation or the rules made thereunder have not been complied with, shall be punishable with imprisonment for a term not exceeding six months or with fine which may extend to ten thousand rupees, or with both.

It further provides that where an offence is committed in relation to publication under sub-clause (1), the court may, in addition to the punishment imposed under the said sub-section, also cancel the declaration in respect of the publication.

Clause 45.— This clause provides for penalty for failure to supply copies of publications to Press Registrar General. It provides that if any publisher of a publication brought out in India neglects to deliver the copies of the publication as required under clause 25, he shall be liable to a fine which may extend to five thousand rupees.

Clause 46.— This clause provides for penalty for failure to produce documents before Press Registrar General. It provides that if the publisher, printer or owner neglects to produce any document before the Press Registrar General in compliance with the provisions of clause 37, he shall be liable to a fine which may extend to five thousand rupees.

Clause 47.— This clause provides for penalty for contravention of clause 31 or clause 32. It provides that if the publisher of any publication refuses or neglects to comply with the

provisions of clause 31 or clause 32, he shall be liable to a fine which may extend to five thousand rupees in addition to a further fine of a sum of ten rupees for each day default.

Clause 48.— This clause provides for recovery of forfeitures and disposal thereof and of fines. It provides that any sum forfeited to the Government under the proposed legislation and rules made thereunder may be recovered, under the warrant of a Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure, 1973 (2 of 1974) for the time being in force, and within the period prescribed by the Indian Penal Code (45 of 1860) for the levy of a fine.

Clause 49.— This clause provides for cognizance of offence. It provides that no court shall take cognizance of any offence under the proposed legislation, except upon a complaint in writing made by the Press Registrar General or the specified authority or by any officer authorised by the Press Registrar General or the specified authority, as the case may be, for this purpose.

It further provides that no court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try any offence under the proposed legislation.

Clause 50.— This clause provides for delegation of powers. It provides that the Press Registrar General may delegate all or any of his powers under the proposed legislation to any officer subordinate to him subject to the provisions of the proposed legislation and rules made thereunder.

Clause 51.— This clause provides that Press Registrar General and other officers to be public servants. It provides that the Press Registrar General and all officers appointed under the proposed legislation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Clause 52.— This clause provides for protection of action taken in good faith. It provides that no suit or other legal proceedings shall lie against the Central Government or a State Government or the Press Registrar General or any officer or employee authorised by the Press Registrar General, for anything which is in good faith done or intended to be done in pursuance of the proposed legislation or the rules made thereunder.

Clause 53.— This clause provides for power of Central Government to make rules. It provides that the Central Government may, by notification in the Official Gazette, make rules for carrying out the objects of the proposed legislation.

It further specifies the matter in respect of which such rules may be made.

It also provides that every rule made under the proposed legislation shall be laid as soon as may be after it is made before each House of Parliament.

Clause 54.— This clause provides for power of State Government to make rules. It provides that the State Government may, by notification in the Official Gazette, make rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of the proposed legislation.

It further provides that every rule made by the State Government under this clause shall be laid, as soon as may be after it is made, before the State Legislature.

Clause 55.— This clause provides for power to exclude any class of books and publications from operation of the proposed legislation. It provides that the State Government may, with the previous approval of the Central Government, by notification in the Official Gazette, exclude any class of books or publications from the operation of the whole or any part or parts of the proposed legislation.

Clause 56.— This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, in consultation with the Press Registrar General, by order published in the

Official Gazette, make such provisions not inconsistent with the provisions of the proposed legislation, as appear to it to be necessary or expedient for removing the difficulty:

It further provides that no such order shall be made under this section after the expiry of three years from the commencement of the legislation.

It also provides that every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Clause 57.— This clause provides for repeal and saving. It provides that the Press and Registration of Books Act, 1867 is hereby repealed.

It further provides that notwithstanding such repeal, —

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under the Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of the proposed legislation;

(b) any declaration, including title thereof, so made and authenticated under the provisions of the Act hereby repealed, shall be deemed to have been made and authenticated under the corresponding provisions of the proposed legislation;

(c) any proceeding pending in any court at the commencement of this Act may be continued in that court as if the proposed legislation has not been enacted;

(d) the Press Registrar and other officers appointed under section 19A of the Act hereby repealed and holding office as such immediately before the commencement of the proposed legislation, shall, on the commencement of this Act, continue to hold their respective offices under the corresponding provisions of the proposed legislation, unless and until they are removed or superannuated;

(e) the Press and Registration Appellate Board established under the Act hereby repealed shall, continue to function under the corresponding provisions of the proposed legislation, unless and until the Appellate Board is constituted under the proposed legislation;

(f) any appeal preferred to the Press and Registration Appellate Board under section 8C of the Act hereby repealed but not disposed of before the commencement of the proposed legislation may be disposed of by the Appellate Board constituted under the proposed legislation;

(g) any penalty payable under the Act hereby repealed may be recovered in the manner provided by or under the proposed legislation but without prejudice to any action already taken for the recovery of such penalty under the Act so repealed;

(h) any certificate of registration issued or granted under the Act hereby repealed shall continue to have effect after the commencement of the proposed legislation under the same conditions as if the proposed legislation had not been enacted.

It also provides that the mention of the particular matters in sub-clause (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 20 provides that any person aggrieved by an order of a specified authority refusing to authenticate a declaration under clause 10 or cancelling a declaration under clause 19 may, within sixty days from the date on which such order is communicated to him, prefer an appeal to the Press and Registration Appellate Board, to be constituted by the Central Government, by notification in the Official Gazette consisting of a Chairperson and another member, to be nominated by the Press Council of India, established under section 4 of the Press Council Act, 1978, from among its member.

2. Clause 28 of the Bill provides that the Central Government may appoint Press Registrar General of India and such other officers under the general superintendence and control of the Press Registrar General as may be necessary for the purpose of performing the functions assigned to them by or under the proposed legislation, and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under the proposed legislation.

3. It proposed that the Press Registrar and other officers appointed under section 19A of the Press and Registration of Books Act, 1867 to be repealed under proposed legislation and holding office as such immediately before the commencement of the proposed legislation, shall, on the commencement of the proposed legislation, continue to hold their respective offices under the corresponding provisions of the proposed legislation, unless and until they are removed or superannuated and the Press and Registration Appellate Board established under the said repealed shall, continue to function under the corresponding provisions of the proposed legislation, unless and until the Appellate Board is constituted under the proposed legislation.

4. As the Press Registrar and other officers appointed under section 19A of the Press and Registration of Books Act, 1867 and the Press and Registration Appellate Board established under the said Act are proposed to continue to function as such under the proposed legislation, there is no financial implication involved in the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 53 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include matters: (a) the form in which a declaration shall be made by the owner of a publication under sub-clause (1) of clause 4; (b) the form, fees and manner of making an application under sub-clause (2) of clause 6; (c) the manner in which the Press Registrar General may approve or reject the title under sub-clause (4) of clause 6; (d) the manner in which owner of publication may transfer the title under sub-clause (7) of clause 6; (e) the form in which a declaration shall be made by the printer and publisher under sub-clause (1) of clause 7; (f) limit in a publication, of foreign news content under clause (c), and of foreign investment under item (d) sub-clause (1) of clause 9; (g) the form and fee for an application under sub-clause (2) of clause 9; (h) the form in which fresh declaration shall be made under clause 14; (i) the form in which a declaration may be made by a person whose name has been incorrectly published as editor under sub-clause (1) of clause 18; (j) the manner in which a Register shall be maintained under sub-clause (1) of clause 29; (k) other particulars relating to ownership under clause (j), and any other particulars under item (k) of sub-clause (2) of clause 29; (l) the time within which and the particulars in respect of which, an annual statement shall be furnished by the publisher or the owner of a publication, to the Press Registrar General under item (a) of sub-clause (1) of clause 31; (m) the manner in which verification may be conducted by an officer or auditor under sub-clause (1) of clause 34; (n) the fee for verification conducted on the request made by the owner, publisher or any other person under sub-clause (3) of clause 34; (o) the form in which, and the time within which, annual report may be prepared by the Press Registrar General under clause 35; (p) fee for furnishing copies of extracts from the Register and the form and manner in which such copies may be furnished under clause 36; (q) any matter relating to books referred to in Chapters III and IV; (r) any other matter which is required to be, or may be, prescribed.

2. The rules made by the Central Government are required to be laid, as soon as they are made, before both Houses of Parliament.

3. Clause 54 of the Bill empowers the State Government to make, by notification in the Official Gazette, rules in respect of books referred to in Chapters III and IV, not inconsistent with the rules made by the Central Government, as may be necessary or desirable for carrying out the objects of the proposed legislation.

4. The rules made by the State Government are required to be laid, as soon as may be after it is made, before the State Legislature.

5. The matters in respect of which rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

BILL NO. 127 OF 2011

A Bill further to amend the Consumer Protection Act, 1986.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and
com-
mencement.

1. (1) This Act may be called the Consumer Protection (Amendment) Act, 2011.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In section 2 of the Consumer Protection Act, 1986 (hereinafter referred to as the principal Act), in sub-section (1),—

- (i) in clause (aa), for the word “means”, the word “includes” shall be substituted;
(ii) in clause (c), after sub-clause (v), the following sub-clause shall be inserted, namely:—

“(va) he has suffered a loss in pursuance of an unfair contract entered into by him;”;

(iii) in clause (f), for the word “means”, the word “includes” shall be substituted;

(iv) for clause (g), the following clause shall be substituted, namely:—

‘(g) “deficiency” include—

(i) any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;

(ii) any act of omission or commission which causes any damage to the consumer on account of negligence or consciously withholding of relevant information to the consumer;’;

(v) after clause (g), the following clause shall be inserted, namely:—

‘(ga) “political party” shall have the meaning assigned to it under clause (f) of sub-section (1) of section 2 of the Representation of the People Act, 1951;’;

(vi) after clause (h), the following clause shall be inserted, namely:—

‘(ha) “electronic form” shall have the meaning assigned to it under clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;’;

(vii) in clause (r), after sub-clause (6), the following sub-clauses shall be inserted, namely:—

“(7) after selling such goods or rendering of such services, fails to issue bill or cash memo or receipt for the goods sold or service rendered;

(8) after selling such goods or rendering of such services, refuses to take back or withdraw the goods or withdraw or discontinue the service and refuses to refund the consideration thereof, if paid, within a period of thirty days after the receipt of goods or availing of services it is so requested by the consumer;

(9) discloses to any other person any personal information given in confidence by the consumer:

Provided that disclosure of personal information given with express or implied consent of the consumer or under provisions of any law in force or in public interest shall not be construed as a deficiency of service.”;

(viii) after clause (r), the following clause shall be inserted, namely:—

‘(s) “unfair contract” means a contract which contains any one or more of the following, clauses namely:—

(i) requires excessive security deposits to be given by a party to the contract for the performance of contractual obligations; or

(ii) impose any penalty on a party to the contract for the breach thereof which is wholly disproportionate to the loss occurred due to such breach to the other party to the contract; or

(iii) refuses to accept early repayment of debts on payment of applicable penalty;

(iv) entitles a party to the contract to terminate without reasonable cause to contract unilaterally.’.

43 of 1951.

21 of 2000.

Amendment
of section 9.

3. In section 9 of the principal Act, in clause (a), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in a district where no District Forum has been established or if established, there exists at any time vacancy in the office of the President or a member, in such case, the State Government may, by notification, direct that—

(a) a District Forum, as specified in the notification, shall exercise the jurisdiction in respect of such District Forum as may be specified in the notification; or

(b) the President or a member of a District Forum, as the case may be, shall exercise the power or discharge the functions of the President or the member, as the case may be, of any other District Forum as may be specified in the notification.”.

Amendment
of section 10.

4. In section 10 of the principal Act,—

(i) in sub-section (1), in clause (b),—

(I) in the opening portion, for the words “two other members”, the words “not less than two and not more than such number of members, as may be prescribed, and at least” shall be substituted;

(II) in sub-clause (iii), after the words “public affairs”, the words “consumer affairs” shall be inserted;

(III) after sub-clause (iii), the following proviso and Explanation shall be inserted, namely:—

‘Provided that not more than fifty per cent. of the members shall be from amongst persons having a judicial background.

Explanation.—For the purpose of this clause, the expression “persons having judicial background” shall mean persons who have served as a presiding officer for at least one year in a judicial court.”;

(IV) in the proviso,—

(A) in the opening portion, for the words “Provided that a person shall be disqualified for appointment”, the words “Provided further that a person shall be disqualified for appointment or for continuation as such” shall be substituted;

(B) after clause (e), the following clause shall be inserted, namely:—

“(ee) is or continues to be, after appointment, a member or office bearer of any political party; or”;

(ii) after sub-section (1A), the following sub-section shall be inserted, namely:—

“(1B) The State Governments may, if it is of the opinion that any person recommended by the Selection Committee under sub-section (1A) has not been found fit for such appointment, it may, within a period of two months from such recommendation and for reasons to be recorded in writing, refer the matter to the Selection Committee for fresh recommendation.”;

(iii) in sub-section (2),—

(a) after the first proviso, the following provisos shall be inserted, namely:—

“Provided further that a person appointed as a President of the District Forum shall also be eligible for re-appointment in the manner provided in sub-section (1A):

Provided also that the Selection Committee shall take into consideration the observations or performance appraisal report, if any, made by the President of the State Commission in respect of the President or member of the District Forum being considered for re-appointment as such:";

(b) in the second proviso, for the words "provided further", the words "Provided also" shall be substituted;

(iv) after sub-section (3), the following sub-section shall be inserted at the end, namely:—

"(4) The President or member of the District Forum, on ceasing to hold office as such, shall not appear, act or plead before any District Forum in that State in which he had been as the President or member, as the case may be, of the District Forum."

5. After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. (1) The State Government shall determine the nature and categories of the officers and other employees required to assist the District Forum in the discharge of its functions and provide the District Forum with such officers and other employees as it may think fit.

Insertion of
new section
10A.
Staff of
District
Forum.

(2) The officers and other employees of the District Forum shall discharge their functions under the general superintendence of the President.

(3) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the District Forum shall be such as may be prescribed by the State Government:

Provided that officers and other employees employed on or before the commencement of the Consumer Protection (Amendment) Act, 2011, in a District Forum, shall continue to be employed as such unless the nature and categories thereof has been determined by the State Government."

6. In section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment
of section 11.

"(3) (a) The jurisdiction, powers and authority of the District Forum may be exercised by benches thereof.

(b) A bench may be constituted by the President with one or more members as the President may deem fit:

Provided that the single member bench shall exercise jurisdiction, power and authority in relation to such matters as may be prescribed by the State Government in consultation with the State Commission and it shall not, in any case, dispose of any case fixed for final hearing."

7. After section 11 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
11A.

"11A. The District Forum shall ordinarily function in the district headquarters and perform its functions at such other place, as the State Government may, in consultation with the State Commission, notify in the Official Gazette from time to time."

Circuit
benches.

8. In section 12 of the principal Act,—

Amendment
of section 12.

(a) in sub-section (1), in the opening portion, after the words "agreed to be provided", the words "or in respect of any restrictive trade practice or unfair trade practice adopted" shall be inserted;

(b) in sub-section (2), after the words “in such manner”, the words and brackets “(including electronic form)” shall be inserted;

(c) in sub-section (3),—

(i) in the second proviso, for the words “twenty-one days”, the words “twenty-eight days” shall be substituted;

(ii) after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that if the District Forum does not decide the issue of admissibility of the complaint within the period specified in the second proviso, it shall be deemed to have been admitted except in the case where the complainant has failed to appear before the District Forum on the day of hearing without any reasonable ground.”.

Amendment
of section 14.

9. In section 14 of the principal Act,—

(a) in sub-section (1),—

(i) in the opening portion, after the words “about the services”, the words “or restrictive trade practices or unfair trade practices” shall be inserted;

(ii) in clause (c), after the words “by the complainant”, the words “along with reasonable rate of interest on such price or charges as may be decided by the District Forum” shall be inserted;

(iii) in clauses (g), (h) and (ha), after the word “hazardous”, the words “or unsafe” shall respectively be inserted;

(iv) in clause (hb), in the first proviso, for the words “five per cent.”, the words “twenty-five per cent.” shall be substituted;

(b) in sub-section (2A), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the other member shall give his opinion on such point or points referred to him within a period of three months from the date of such reference.”.

Amendment
of section 15.

10. In section 15 of the principal Act, in the second proviso, the words “or twenty-five thousand rupees, whichever is less” shall be omitted.

Amendment
of section 16.

11. In section 16 of the principal Act,—

(i) in sub-section (1), in clause (b)—

(a) in the opening portion, for the words “and one of whom” the words “at least one of whom” shall be substituted;

(b) in sub-clause (i), for the words “thirty-five years”, the words “forty-five years” shall be substituted;

(c) in sub-clause (iii),—

(A) for the words “ten years”, the words “twenty years” shall be substituted;

(B) after the words “public affairs”, the words “consumer affairs” shall be inserted;

(C) in the first proviso, in the *Explanation*, for the words “ten years”, the words “twenty years” shall be substituted;

(D) in the second proviso,—

(I) after the word “appointment”, the words “or for continuation as such” shall be inserted;

(II) after clause (e), the following clause shall be inserted, namely:—

“(ee) is or continues to be, after appointment, a member or office bearer of any political party; or”;

(ii) in sub-section (IA), for the words, brackets and figure “under sub-section (I)”, the words, brackets, letter and figure “under clause (b) of sub-section (I)” shall be substituted;

(iii) after sub-section (IA), the following sub-section shall be inserted, namely:—

“(IAA) The State Governments may, if it is of the opinion that any person recommended by the Selection Committee under sub-section (IA) has not been found fit for such appointment, it may, within a period of two months from such recommendation and for reasons to be recorded in writing, refer the matter to the Selection Committee for fresh recommendations.”;

(iv) in sub-section (IB), in clause (iii), the following proviso shall be inserted, namely:—

“Provided that the President or the members, as the case may be, shall give his or their opinion on the point or points referred to him or them within a period of three months from the date of such reference.”.

(v) in sub-section (3), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that the Selection Committee shall take into consideration the observations or performance appraisal report, if any, made by the President of the National Commission in respect of the member of the State Commission being considered for re-appointment.”;

(vi) after sub-section (4), the following sub-section shall be inserted at the end, namely:—

“(5) The President or member of the State Commission, on ceasing to hold office as such, shall not appear, act or plead before the State Commission or any District Forum in that State in which he had been as the President or member, as the case may be, of the State Commission.”.

12. After section 16 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
16A.

“16A. (1) The State Government shall determine the nature and categories of the officers and other employees required to assist the State Commission in the discharge of its functions and provide the Commission with such officers and other employees as it may think fit.

Staff of State
Commission.

(2) The officers and other employees of the State Commission shall discharge their functions under the general superintendence of the President.

(3) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the State Commission shall be such as may be prescribed by the State Government:

Provided that the officers and other employees employed on or before the commencement of the Consumer Protection (Amendment) Act, 2011, in a State Commission, shall continue to be employed as such unless the nature and categories thereof has been determined by the State Government.”.

13. In section 19 of the principal Act, in the second proviso, the words “or rupees thirty-five thousand, whichever is less” shall be omitted.

Amendment
of section 19.

Insertion of
new section
19B

Power of
Commission
to review
order.

Amendment
of section 20.

14. After section 19A of the principal Act, the following section shall be inserted, namely:—

“19B. Without prejudice to the provisions contained in section 18, the State Commission shall have the power to review any order made by it, when there is an error apparent on the face of record.”.

15. In section 20 of the principal Act,—

(i) in sub-section (1), in clause (b)—

(a) in the opening portion, for the words “and one of whom” the words “at least one of whom” shall be substituted;

(b) in sub-clause (i), for the words “thirty-five years”, the words “fifty-five years” shall be substituted;

(c) in sub-clause (iii),—

(A) for the words “ten years”, the words “thirty years” shall be substituted;

(B) after the words “public affairs”, the words “,consumer affairs” shall be inserted;

(C) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—For the purposes of this clause, the expression “persons having judicial background” shall mean persons who are or have been a Judge of a High Court or Supreme Court.”;

(D) in the second proviso,—

(I) after the word “appointment”, the words “or for continuation as such” shall be inserted;

(II) after clause (e), the following clause shall be inserted, namely:—

“(ee) is or continues to be, after appointment, a member or office bearer of any political party; or”;

(E) in the third proviso, after clause (a), the following clause shall be inserted, namely:—

“(aa) the President of the National Commission—Member.”;

(ii) after the third proviso, the following proviso shall be inserted, namely:—

“Provided also that the Central Government may, if it is of the opinion that any person recommended by the Selection Committee under this section has not been found fit for such appointment, it may, within a period of two months from such recommendation and for reasons to be recorded in writing, refer the matter to the Selection Committee for fresh recommendations.”;

(iii) in sub-section (1A), in clause (iii), the following proviso shall be inserted, namely:—

“Provided that the President or the members, as the case may be, shall give his or their opinion on the point or points referred to him or them within a period of three months from the date of such reference.”.

(iv) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The conditions of service of the members of the National Commission shall be the same as are applicable to a Judge of a High Court:

Provided that the salary or honorarium and other allowances payable to the Members of the National Commission shall be such as may be prescribed by the Central Government.”;

(v) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) A member of the National Commission, on ceasing to hold office as such, shall not appear, act or plead before the National Commission or any State Commission or District Forum.”.

16. After section 22D of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 22E.

“22E. Where the National Commission or the State Commission, as the case may be, on application by a complainant or otherwise, is of the opinion that it involves the larger interest of consumers, it may direct any individual or organisation or expert to assist the National Commission or the State Commission, as the case may be.”.

Power of Commission to seek assistance.

17. In section 23 of the principal Act, in the second proviso, the words “or rupees fifty thousand, whichever is less” shall be omitted.

Amendment of section 23.

18. For section 25 of the principal Act, the following section shall be substituted, namely:—

Amendment of section 25.

“25. (1) Every order made by the District Forum, the State Commission or the National Commission shall be enforced by it in the same manner as if it were a decree made by a court in a suit pending therein, and it shall be lawful for the District Forum, the State Commission or the National Commission to send, in case of its inability to execute such order, to the court within the local limits of whose jurisdiction,—

Enforcement of orders of District Forum, State Commission or National Commission.

(a) in the case of an order against a company, the registered office of the company is situated; or

(b) in the case of an order against any other person, place where the person concerned voluntarily resides or carries on business or personally works for gain, is situated.

(2) Where any order made by the District Forum, State Commission or the National Commission, as the case may be, is not complied with, such person not complying with the order shall be required to pay not less than five hundred rupees or one-half per cent. of the value of the amount awarded, whichever is higher, for each day of delay of such non-compliance of the order till it is paid, in addition to the payment of the awarded amount.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), where any order made under this Act is not complied with, the District Forum or the State Commission or the National Commission, as the case may be, may order the property of the person, not complying with such order to be attached.

(4) No attachment made under sub-section (3) shall remain in force for more than three months at the end of which, if the non-compliance continues, the property attached may be sold and out of the proceeds thereof, the District Forum or the State Commission or the National Commission may award such damages, as it thinks fit, to the complainant and shall pay the balance, if any, to the party entitled thereto.

(5) Where any amount is due from any person under any order made by a District Forum, State Commission or the National Commission, as the case may be, the person entitled to the amount may make an application to the District Forum, the State Commission or the National Commission, as the case may be, and such District Forum or the State Commission or the National Commission may issue a certificate for the said amount to the Collector of the district (by whatever name called) and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue.

(6) Notwithstanding the provisions contained in this section, it shall be the duty of the party against whom the order is passed by the District Forum or the State Commission or the National Commission, as the case may be, to report back to the District Forum or the State Commission or the National Commission, as the case may be, about the status of implementation of the order and the proceedings would be

deemed to be continuing till the implementation of the order and it shall be the responsibility of the District Forum or the State Commission or the National Commission, as the case may be, to monitor the same till its implementation and to take appropriate penal action wherever necessary.”.

Amendment
of section 27.

19. In section 27 of the principal Act, in sub-section (2), the words “on such conferment of powers” and the words “on whom the powers are so conferred” shall be omitted.

Insertion of
new sections
28B and 28C.

20. After section 28A of the principal Act, the following sections shall be inserted, namely:—

Power to call
for
information.

“28B. (1) The Central Government may, by a general or special order, call upon the National Commission to furnish, periodically or as and when required any information concerning the pendency of cases in such form as may be prescribed.

(2) The State Government may, by a general or special order, call upon the State Commission or any District Forum to furnish, periodically or as and when required any information concerning the pendency of cases in such form as may be prescribed by the State Government.

Returns and
reports.

28C. (1) Every District Forum shall furnish to the State Commission at such time and in such form and manner as may be specified by regulations the returns and statements and particulars in regard to pendency of cases before the District Forum.

(2) Every State Commission shall furnish to the National Commission and the State Government at such time and in such form and manner as may be specified by regulations the returns and statements and such particulars in regard to pendency of cases before the State Commission or the District Forum.

(3) The National Commission shall furnish to the Central Government at such time and in such form and manner as may be specified by regulations the returns and statements and particulars in regard to pendency of cases before the National Commission, State Commission and the District Forum.

(4) The District Forum, the State Commission and the National Commission shall publish all data relating to pendency of cases (including the details of filing of a case or application and disposal thereof, daily cause list and orders passed on such date and other related information) on their respective website.

Amendment
of section 30.

21. In section 30 of the principal Act,—

(a) in sub-section (1), for the words and figures “and section 23”, the words, figures, brackets and letter “section 23 and sub-section (1) of section 28B” shall be substituted;

(b) in sub-section (2),—

(i) after the word and figures “section 10”, the words, brackets, figures and letter “sub-section (3) of section 10A” shall be inserted;

(ii) for the words, brackets, letter and figures “and clause (b) of sub-section (1) and sub-section (2) of section 16 of this Act”, the words, brackets, letters and figures “clause (b) of sub-section (1) and sub-section (2) of section 16, sub-section (3) of section 16A and sub-section (2) of section 28B of this Act or any other matter which is to be, or may be, required to be prescribed” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Consumer Protection Act, 1986 (the said Act) was enacted by Parliament to provide for better protection of the interests of consumers and for that purpose to make provision for establishment of consumer councils and other authorities for the settlement of consumer disputes, and for matter connected therewith. The aforesaid Act has been amended in the years 1991, 1993 and 2002 to make the provisions of the Act more effective.

2. Although, the working of the consumer dispute redressal agencies has served the purpose under the said Act to a considerable extent, the disposal of cases has not been as quick due to the various constraints. Several shortcomings have been noticed while implementing various provisions of the Act. With a view to widening and amplifying the scope of some of the provisions of the said Act, to facilitate faster disposal of cases and to rationalize the qualifications and procedure of selection of the Presidents and Members of the National Commission, State Commission and District Forum, it has been felt necessary to amend the said Act. The Consumer Protection (Amendment) Bill, 2011, *inter alia*, makes the following provisions, namely:—

(a) define the expression 'unfair contract' and include the same within the scope of the Act;

(b) confer power upon the State Government to direct, by notification,—

(i) that a District Forum shall exercise the jurisdiction of any other District where no District Forum has been constituted; or

(ii) that the President or a member of a District Forum shall discharge the functions of President or members of any other District Forum in which there exist a vacancy of President or members, as the case may be;

(c) confer power upon the State Government to refer back the recommendation of the Selection Committee to it for making fresh recommendation, within a period of two months from such recommendation and for reasons to be recorded in writing, in case the State Government is of the opinion that any person recommended by the Selection Committee for appointment as President or member of a District Forum or a member of the State Commission, as the case may be, has not been found fit for appointment as such;

(d) make a provision that the Selection Committee shall take into consideration the observations or performance appraisal report, if any, made by the President of the State Commission or the President of the National Commission, as the case may be, in respect of any member of the District Forum or the State Commission, as the case may be, being considered for reappointment as such;

(e) make a provision to the effect that the President or member of the District Forum, on ceasing to hold office as such, shall not appear, act or plead before any District Forum in that State in which he had been working as the President or member, as the case may be, of the District Forum;

(f) make a provision to provide that the District Forum shall ordinarily function in the district headquarters and perform its functions at such other place, as the State Government may, in consultation with the State Commission, notify in the Official Gazette from time to time;

(g) make a provision for making of a complaint by electronic form also to the District Forum;

(h) make a provision for admissibility of the complaint to be decided twenty-eight days instead of twenty-one days from the date on which the complaint was received and in case the District Forum does not decide the issue of admissibility of the complaint within the said period it shall be deemed to have been admitted except in the case where the complainant has failed to appear before the District Forum on the day of hearing without any reasonable ground;

(i) confer power upon the District Forum to issue an order to the opposite party to pay reasonable rate of interest on such price or charges as may be decided by the District Forum in case the price of the goods or charges paid by the complainant have been ordered to be returned to the complainant;

(j) make provision for additional disqualification of a member of the District Forum or the State Commission or the National Commission if he is or continues to be, after appointment, a member or office bearer of any political party;

(k) make provision for increase of the minimum age for appointment as member in case of the State Commission from thirty-five years to forty-five years and in the case of the National Commission from thirty-five years to fifty-five years;

(l) make provision for increase of the period of experience for appointment as member in case of the State Commission from ten years to twenty years and in case of the National Commission from ten years to thirty years;

(m) make provision for substitution of the explanation relating to definition of the expression "person having judicial background" in case of the National Commission, as to include therein the persons who are or have been a Judge of a High Court or the Supreme Court;

(n) make provision that the President or member of the District Forum, the State Commission and the National Commission, on ceasing to hold office as such, shall not appear, act or plead before the District Forum or the State Commission or the National Commission, as the case may be;

(o) make provision that the conditions of service of the members of the National Commission shall be the same as are applicable to a Judge of a High Court;

(p) confer power upon the National Commission or the State Commission, as the case may be, to direct any individual or organisation or expert to assist the National Commission or the State Commission, as the case may be, on application by a complainant or otherwise, if the National Commission or the State Commission is of the opinion that it involves the larger interest of consumers;

(q) make a provision that an order of the District Forum, the State Commission or the National Commission may be enforced by it as if it were a decree of a civil court or it may send, in case of its inability to execute such order to the court having jurisdiction;

(r) make a provision for payment, by every person not complying with the order of the District Forum, State Commission or the National Commission, as the case may be, of an amount of not less than five hundred rupees or one-half per cent. of the value of the amount awarded, whichever is higher, for each day of delay of such non-compliance of the order, till it is paid, in addition to the payment of the awarded amount;

(s) confer power upon the Central Government to call upon the National Commission to furnish, periodically or as and when required any information concerning the pendency of cases in the prescribed form; and confer power upon the State Government to call upon the State Commission or any District Forum to furnish, periodically or as and when required any information concerning the pendency of cases in the prescribed form;

(t) make provisions for furnishing of returns and statement and particulars in regard to pendency of cases, by—

(i) the District Forum to the State Commission,

(ii) the State Commission to the National Commission and the State Government,

(iii) the National Commission to Central Government.

3. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 2nd November, 2011.

K. V. THOMAS.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to amend section 10 of the Act to enable the State Government to appoint in the District Forum such number of members as may be prescribed in place of two members.

2. Clause 5 of the Bill seeks to insert a new section 10A to enable the State Government to determine the nature and categories of officers and other employees required to assist the District Forum in the discharge of its functions and provide the District Forum with such officers and other employees as it may think fit. The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the District Forum shall be such as may be prescribed by the State Government.

3. Clause 6 of the Bill seeks to insert a new sub-section (3) in section 11 so as to enable the President of the District Forum to constitute benches with one or more members.

4. Clause 7 of the Bill seeks to insert a new section 11A to enable the State Government to notify in consultation with the State Commission, the other place of sitting of the District Forum to perform its functions.

5. Clause 12 seeks to insert a new section 16A to enable the State Government to determine the nature and categories of the officers and other employees required to assist the State Commission in the discharge of its functions and provide the Commission with such officers and other employees as it may think fit. The salaries and allowances payable to and the other terms and conditions of service of, the officers and other employees of the State Commission shall be such as may be prescribed by the State Government.

6. It is not possible to indicate the exact expenditure involved in appointment of additional members and officers and employees of the District Forum and the State Commission as this would depend upon the actual number of such members or officers and other employees appointed. However, the expenditure on this account would be incurred by the State Governments.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to amend section 10 of the Act which empowers the State Government to prescribe the number of members of District Forum for appointment.

2. Clause 5 of the Bill seeks to insert new section 10A which empowers the State Government to prescribe the salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the District Forum.

3. Clause 12 of the Bill seeks to insert new section 16A which empowers the State Government to prescribe the salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the State Commission.

4. Clause 20 of the Bill seeks to insert new sections 28B and 28C. Sub-section (1) of section 28B provides to prescribe the form in which any information concerning the pendency of cases shall be furnished by the National Commission to the Central Government. Sub-section (2) of said section provides to prescribe the form in which any information concerning the pendency of cases shall be furnished by the State Commission to the State Government. Sub-section (1) of section 28C empowers the National Commission to specify by regulations the time, and the form and manner in which returns and statements and such particulars in regard to pendency of cases before the District Forum shall be furnished by the District Forum to the State Commission and, by the State Commission to the National Commission.

5. The rules made by the Central Government and the regulations made by the National Commission shall be laid, as soon as they are made, before both the Houses of Parliament under sub-section (1) of section 31 and the rules made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature under sub-section (2) of that section. The matters in respect of which rules and regulations may be made are matter of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative powers, therefore, is of a normal character.

BILL NO. 123 OF 2011

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2011-12 for the purposes of Railways.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (Railways) No. 3 Act, 2011.

Issue of
Rs. 1,00,000
out of the
Consolidated
Fund of India
for financial
year 2011-12.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2011-12, in respect of the services relating to Railways specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
16	Assets—Acquisition, Construction and Replacement—			
	<i>Other Expenditure</i>			
	Capital.....	40,000	..	40,000
	Railway Funds.....	40,000	..	40,000
	Railway Safety Fund.....	20,000	..	20,000
	TOTAL.....	1,00,000	..	1,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government on Railways for the financial year 2011-12.

DINESH TRIVEDI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter No. 2011-B-402/WS/2 dated 7.12.2011 from Shri Dinesh Trivedi, Minister of Railways to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Appropriation Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2011-12 for the purposes of Railways, recommends under clause (1) and (3) of Article 117 of the Constitution of India, read with clause (2) of Article 115 thereof, the introduction in and consideration by Lok Sabha of the Appropriation Bill.

T.K. VISWANATHAN,
Secretary-General.